



SO ORDERED.

SIGNED this 10 day of October, 2012.

J. Rich Leonard
J. Rich Leonard
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

ORDER AVOIDING JUDICIAL LIEN

This matter comes before the Court upon debtor's Motion to Avoid Lien and it appearing to the Court that debtors served a copy of the Motion and Notice of Motion on the appropriate parties; and

IT APPEARING FURTHER to the Court that the time for those parties to respond has expired with no response having been filed. From debtor's uncontested motion the Court makes the following findings of fact:

1. That this matter is a core proceeding pursuant to 28 U.S.C. Section 157 and that the Court has jurisdiction pursuant to 28 U.S.C. §§ 151, 157 and 1334.
2. That the debtor files this motion pursuant to 11 U.S.C. § 522(f)(1) to avoid a judicial lien on her property.
3. That the debtor is indebted to **B.R. & Deborah Lewis** (hereinafter referred to as the "Creditor") in the approximate amount of **\$96,158.00**.

4. That as security for this debt to the Creditor, the Creditor has a judicial lien on the property of the debtor described in paragraph 5 below pursuant to a default judgment entered on September 23, 2011 and referenced as case number 11CV00887 in the Wake County Registry.
5. That the judicial lien of the Creditor on the property impairs the debtor's right to exemptions in the following property (hereinafter, the "Property"):

BEING all of Lot 66, Falls River Subdivision, Phase 1, Section A-1 as shown on map thereof recorded in Book 1996, Page 47, Wake County Registry.

6. The fair market value of said property at the time the petition was filed was no greater than \$295,000.00.
7. The debtor is entitled to an exemption in the Property, the value of which cannot exceed \$30,000.00 pursuant to N.C.G.S. 1C-1601(a)(1). The debtor has claimed an exemption of \$30,000.00 in the Property. Based on the Property value, the debtor's interest in the property is no greater than \$30,000.00, and therefore she is entitled to claim her entire interest in the Property as exempt. The debtor reserves the right to amend his exemption claim in the Property up to the maximum allowed exemption of \$35,000.00.
8. The fixing of such lien must be avoided in its entirety to avoid its impairment on debtor's exempt interest in the Property.

IT IS ORDERED, ADJUDGED AND DECREED that said motion to avoid judicial lien be, and hereby is allowed, and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the lien of B.R. & Deborah Lewis on the property of the debtor recorded as case number 11CV00887 in the Wake County Registry as herein and before noted in the findings of fact is avoided in its entirety.

END OF DOCUMENT